

## **EXHIBIT 2**



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August 31, 2023

**Via Email**

Dear Monitoring Team:

Pursuant to the Consent Judgment, § XIX, ¶ 8, the Plaintiff Class writes to request records and information relevant to Defendants' non-compliance with the Consent Judgment and other court orders issued in this matter.

Specifically, the Plaintiff Class requests the following:

1. Data on the outcomes of closed "Full ID" investigations for incidents that have taken place since January 1, 2022, including:
  - a. Number and percentage of investigations finding excessive, unnecessary, and/or avoidable uses of force
  - b. Number and percentage of investigations finding violations of the Use of Force Directive
  - c. Number and percentage of investigations finding other types of misconduct, and the type of misconduct
2. We list below several incidents described in the Monitor's reports, and seek to be as up to date as possible on any corrective actions taken or disciplinary charges filed and/or resolved with regard to these incidents. For each, please provide the most up to date information on: 1) any immediate corrective actions (including but not limited to immediate suspensions) taken; 2) any informal discipline such as command discipline imposed; and 3) whether formal disciplinary charges were filed, the status of the proceedings on such charges, and the disposition of such charges.
  - a. Incident # 1 of the Monitor's May 26, 2023 Report where officers' use of force paralyzed an individual from the neck down. (The Monitor's June 12 report states that officers were disciplined, but we don't know the disposition or nature of charges.)
  - b. Illustrative Example 1 from the Monitor's July 10, 2023 Report, where on March 3, 2023, an individual wearing both front cuffs and leg shackles was pushed into a search pen and placed in a chokehold at the Brooklyn courthouse.
  - c. Illustrative Example 4 from the Monitor's July 10, 2023 Report, where on June 7, 2023, an officer attacked a restrained individual in a barber shop at GRVC.

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- d. Illustrative Example 3 from the Monitor's July 10, 2023 Report, where on February 3, 2023 in RMSC, a group of officers struggled with a woman, aggressively pushed her against a wall, and sprayed her with a chemical agent.
  - e. April 2023 incident described on pages 12-13 of the Monitor's August 7, 2023 Report where an officer bragged about beating up an individual on prior occasions and threatened to do so again while stating that a suspension would be welcomed as vacation.
  - f. Incident # 1 described in Appendix A of the Monitor's August 7, 2023 report, where on July 29, 2023 an officer watched a group of people enter a cell and assault someone but took no action.
  - g. Incident # 2 described in Appendix A of the Monitor's August 7, 2023 Report, where on May 8, 2023, an ADW used incarcerated individuals as part of a hostage drill. Is this person still an ADW, or have they been demoted?
3. The complete Investigation Division files for the following use of force incidents, as well as any information related to the incidents regarding 1) immediate corrective actions (including but not limited to immediate suspensions) taken; 2) any informal discipline such as command discipline imposed; and 3) whether formal disciplinary charges were filed, the status of the proceedings on such charges, and the disposition of such charges.
- a. 3509/22
  - b. 0465/23
  - c. 0581/23
  - d. 0643/23
  - e. 0702/23
  - f. 0716/23
  - g. 0798/23
  - h. 1082/23
  - i. 1091/23
  - j. 1099/23

- k. 1187/23
  - l. 1203/23
  - m. 1463/23
  - n. 1493/23
  - o. 1534/23
  - p. 1544/23
  - q. 1598/23
  - r. 1607/23
  - s. 1656/23
  - t. 1703/23
  - u. 1798/23
  - v. 1910/23
  - w. 1951/23
  - x. 2062/23
  - y. 2110/23
  - z. 2239/23
4. Which one of the 2023 deaths in custody involved the suspension of an ADW who was one of the 12 promoted in January 2023, despite the concerns expressed by DOC divisions regarding the individual's promotion? Has this ADW been demoted, or do they still hold the ADW rank?
  5. Two additional Assistant Commissioners were appointed as of July 10, 2023 (July 10 Report). What are the names of the two assistant commissioners? Were they external or internal candidates?
  6. What is the most recent data on number of staff identified as "chronic absent," as referenced on pages 28-29 of the Monitor's April 3, 2023 Report?

- a. Have all those designations been processed?
  - b. Has any individual designated as a “chronic absent” suffered a limitation on discretionary benefits, privileges or promotions? What have those consequences been?
7. Are any staff on a “true” 5x2 schedule that would permit them to work 261 days a year?
  - a. If so, how many?
  - b. We request the labor agreements that would prevent DOC from having uniformed staff work “true” 5x2 schedules.
8. Has the Department developed improvements to the case assignment process and caseload targets for investigators as required by the First Remedial Order Section B, Paragraph 3? If so, what are the targets?
9. All records related to the 2023 deaths in custody listed below to the extent not already produced:
  - a. Marvin Pines
  - b. Rubu Zhao
  - c. Joshua Valles
  - d. Felix Tavares
  - e. Ricky Howell
  - f. William Johnstone
  - g. Curtis Davis
  - h. Donny Ubiera
10. CHS monthly injury inmate reports generated since January 1, 2022
11. Revised sick leave and MMR policies
12. The most recent data regarding staff on MMR/sick leave

13. Data regarding formal and informal discipline, or other corrective actions, taken against ID investigators and/or their supervisors since January 2022, including:
  - a. A list of all ID investigators and supervisors who have been subject to formal disciplinary charges since January 1, 2022, including their names, the misconduct with which they were charged, the date the charges were resolved, and the outcome of the charges.
  - b. A list of all ID investigators and supervisors who have been subject to informal discipline since January 1, 2022, including the misconduct for which they received informal discipline, the nature of the informal discipline imposed, and the date the informal discipline was imposed.
  - c. A list of all ID investigators and supervisors who have been subject to any other form of corrective action (including but not limited to corrective interviews, counseling, and re-training) since January 1, 2022, including the misconduct for which the corrective action was imposed, the nature of the corrective action imposed, and the date the corrective action was imposed.
14. Teletype issued on July 3, 2023 regarding suspension of Captain Bond
15. The May 15, 2023 "written communication" shared with staff regarding the use of force for court refusals (August 7, 2023 Report at 3, n.4).
16. "Watch Tour Compliance/Discipline" memorandum issued by the Office of Classification, Custody Management, and Facility Operations in April 2023 (described in DOC 16th Compliance Report at page 39)
17. All documents related to the "quality assurance/audit process where the Office of Classification, Custody Management and Facility Operations reviews tour wand compliance reports, notes any deficiencies, and any action taken (including discipline) with respect to noncompliance." (DOC 16th Compliance Report at 39). Please be sure to produce the results of any reviews completed, as well as documents reflecting any actions taken based on these reviews, including but not limited to any disciplinary actions against staff.
18. The "Audit Plan" used for the facility "Security Audits" that commenced in May 2023, and all documents relating to any Security Audits conducted of DOC facilities, including but not limited to the "OPC Audit Working Papers" and any other documents reflecting the findings of the Security Audits (DOC 16th Compliance Report at 40-41).

19. The Interim Security Plan referenced on page 15 of DOC's 16<sup>th</sup> Compliance Report.
20. A description of how the "Facility Security Team structure" has been "revamped," as referenced on p. 16 of DOC's 16<sup>th</sup> Compliance Report.
21. A description of the results of the evaluation of "all current ESU members' fitness to serve," which is referenced on pp. 16 and 59 of DOC's 16<sup>th</sup> Compliance Report. Please describe the criteria used to conduct this evaluation and indicate how many, if any, ESU members were removed from the ESU as a result of the review and the basis for the removal.
22. The 16<sup>th</sup> Compliance Report references the promotion and deployment of "10 additional Assistant Deputy Wardens." (p. 20) When were these ADWs promoted? Are these 10 ADWs separate from the group of ADWs that were promoted in early 2023? Please provide the current number of ADWs, the percentage assigned to facilities and court commands, and a breakdown of the number assigned to each facility and court command.

Sincerely,

/s/

Mary Lynne Werlwas  
Kayla Simpson  
Katherine Haas

THE LEGAL AID SOCIETY  
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